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Security Council

Seventy-first year

Provisional

7724th meeting
Thursday, 23 June 2016, 10 a.m.
New York

President:	Mr. Lamek	(France)
Members:	Angola	Mr. Lucas
	China	Mr. Xu Zhongsheng
	Egypt	Mr. Aboulatta
	Japan	Mr. Bessho
	Malaysia	Mrs. Adnin
	New Zealand	Mrs. Schwalger
	Russian Federation	Ms. Evstigneeva
	Senegal	Mr. Seck
	Spain	Mr. De la Calle García
	Ukraine	Mr. Fesko
	United Kingdom of Great Britain and Northern Ireland	Mr. Meek
	United States of America	Mr. Pressman
	Uruguay	Mr. Rosselli
	Venezuela (Bolivarian Republic of)	Mr. Méndez Graterol

Agenda

The situation concerning the Democratic Republic of the Congo

Letter dated 23 May 2016 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council (S/2016/466)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation concerning the Democratic Republic of the Congo

Letter dated 23 May 2016 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council (S/2016/466)

The President (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Democratic Republic of the Congo to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2016/561, which contains the text of a draft resolution submitted by France.

I wish to draw the attention of Council members to document S/2016/466, which contains a letter dated 23 May 2016 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Angola, China, Egypt, France, Japan, Malaysia, New Zealand, Russian Federation, Senegal, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela (Bolivarian Republic of)

The President (*spoke in French*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2293 (2016).

I now give the floor to the representative of the Democratic Republic of the Congo.

Mr. Gata Mavita wa Lufuta (Democratic Republic of the Congo) (*spoke in French*): As your presidency of the Council is nearing its end, allow me to express the gratitude of my delegation for the skill with which you, Mr. President, have steered the Council's work during the month of June and for the competence and expertise with which you have carried out your mission. I would also like to thank you, Mr. President, for giving me the opportunity to take the floor before the Council at this meeting devoted to the adoption of resolution 2293 (2016) on the sanctions regime for the Democratic Republic of the Congo.

I take this opportunity to convey once again to Secretary-General Ban Ki-moon and to all members of the Security Council the full gratitude of the people and the Government of the Democratic Republic of the Congo for their work and the efforts of the United Nations to safeguard the sovereignty and territorial integrity of my country and to guarantee peace and stability there.

My delegation takes note of resolution 2293 (2016), which has just been adopted by the Council. We thank the Council for this act, which reflects once again its desire to see peace in my country further strengthened. We also thank the Council for clearly expressing in the resolution that the arms embargo does not apply to my Government. Allow my delegation, however, to comment briefly here on some points related to the resolution to which my country attaches importance, as stressed in the note verbale addressed to you, Sir, on 20 June.

My delegation does not share the views of the Council, which has seen fit to model the resolution on the provisions of resolution 2277 (2016), adopted by the Council in March. My delegation believes that, given their different contexts as reflected in their subject matter, the contents of these two resolutions should also be different. By renewing certain provisions of resolution 2277 (2016), resolution 2293 (2016) risks rekindling latent tensions in my country.

My delegation therefore feels duty-bound to draw the Council's attention to the fact that it is the United Nations organ responsible for maintaining international peace and security. It therefore bears the heavy responsibility of working for peace and preventing the outbreak of all conflicts. Thus, any discourse emanating from this organ that does not promote trust or that exacerbates tensions can have serious consequences for Member States on the ground.

In this context, Council members may not be aware of the tensions that diverse interpretations of the

provisions of resolution 2277 (2016) have created in my country, to the point where a handful of politicians, clinging to those provisions, have called into question the convening of the political dialogue that we have all sought to help organize peaceful elections in my country and thereby to prevent the recurrence of the violence that marred the 2006 and 2011 elections. That is why my delegation had hoped that today's resolution, which has no connection to the elections, would not refer to that issue. Because our opinion has not been taken into account and the resolution does touch on this issue, my delegation should like to say a word in that regard.

As the presidential elections and respect for the constitutional timetable for their organization are issues of concern to the Council, it is necessary to clarify that on 18 April the political parties of the presidential majority, torn between various interpretations of article 70 of our Constitution, turned to the Constitutional Court, which is vested with the power to interpret legal texts in the Democratic Republic of the Congo, to seek the correct interpretation of the article, which reads as follows:

> "The President of the Republic is elected by direct universal suffrage for a term of five years which is renewable only once. At the end of his term, the President stays in office until the President-Elect effectively assumes his functions."

After analysing this provision, the Court issued its opinion that at the end of his mandate, the President of the Republic holds office until the effective installation of the President-Elect. This interpretation removes any ambiguity and dispels any misunderstanding among all those who had claimed that there would be a vacancy in the presidency of the Republic in the Democratic Republic of the Congo if the presidential election were not held by the end of this year.

My delegation wishes to emphasize that our insistence on the importance that my country attaches to the organization of peaceful elections in order to safeguard peace and stability should not be interpreted as an excuse to delay the elections. The experience of the previous two elections requires us to establish the conditions necessary to organizing proper elections that are not marred by violence. We are convinced that the efforts of my Government, the United Nations and the international community will allow us to overcome the obstacles we face in organizing proper elections as soon as possible.

My delegation also finds it useful to note here that resolution 2293 (2016), which concerns the sanctions regime, primarily addresses security issues. In this regard, the situation of Burundian refugees who have received military training in a neighbouring country and have infiltrated the Democratic Republic of the Congo with forged Congolese voter cards, to which the Group of Experts refers in its report (S/2016466), is both a serious attack on the security of the States of the region concerned by this situation and a violation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region. This situation deserves the attention of the Council, which must condemn it. The Council's failure to condemn such acts, recognized even by its own Group of Experts, and its resort to a vague formulation calling on the countries of the region to refrain from activities capable of destabilizing neighbouring countries, are unacceptable. As we indicated in March, my country, which is already suffering from a broad spectrum of crimes committed by armed groups and negative forces against its people, cannot agree to become once again the bastion of a new foreign armed group. My delegation therefore deplores the Council's passivity in this respect.

In conclusion, my delegation considers it important for the Council to treat my Government as a partner and, as such, to listen to it so as to assist it in achieving what it considers to be appropriate and right for the good of its country. That is the kind of respect that partners owe one another. In other words, to the extent possible the Council must avoid imposing its views at every opportunity. We believe that, in so doing, the United Nations will further strengthen the climate of cooperation that it has long enjoyed with my country.

The meeting rose at 10.15 a.m.